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August 19, 2016

VIA EMAIL AND FIRST CLASS MAIL

The Hon. Karen V. Gregory
Secretary of Federal Maritime Commission
800 North Capitol St.
Room 1046
Washington, D.C. 20573

Re: Docket No. 15-11 – Ovchinnikov v. Hitrinov

Dear Ms. Gregory:

Enclosed for filing in the above-captioned matter are an original true copy and five (5) additional copies of:

1. Respondents' Response to Complaints Motion in the Guise of a Status Report

If you have any questions, please do not hesitate to contact me.

Best regards,

Anjali Vohra

Enclosures

FEDERAL MARITIME COMMISSION

WASHINGTON, D.C.

DOCKET NO. 15-11

IGOR OVCHINNIKOV, ET AL

v.

MICHAEL HITRINOV, ET AL

Consolidated With

DOCKET NO. 1953(I)

KAIRAT NURGAZINOV, ET AL

v.

MICHAEL HITRINOV, ET AL

RESPONDENTS' RESPONSE TO COMPLAINANTS
MOTION IN THE GUISE OF A STATUS REPORT

Pursuant to FMC Rules, 69, and 71, Respondents Empire Lines United and Michael Hitrinov hereby respond to Complainants' August 18, 2016 motion in the guise of a "status report." As the so-called status report seeks relief from the Presiding Officer, the FMC Rules mandate that it be made as a motion.¹

The instant frivolous motion is simply part of Complainants' baseless attempt to impugn Mr. Hitrinov's Affirmation on matters of no substance in order

¹ FMC Rule 69(a); 46 C.F.R. 502.69(a).

to misdirect attention from the fact that they have utterly failed to provide any basis for a finding of FMC subject matter jurisdiction. Shorn of its calumny and unsupported scurrilous statements – which constitute the bulk of the filing – the brief remainder is simply a clumsily-constructed house of cards. And like castles made of sand, Complainants’ artificial edifice is easily washed away. As just one small example of the depths to which Complainants will stoop, they deliberately misrepresent an invitation to raise any questions with undersigned counsel as license to communicate with counsel’s clients.

Rather than requiring the Presiding Officer to address Complainants’ silly quibbles, however, Respondents choose to pretermitt any possible dispute by stating that, in the unlikely event the Presiding Officer deems it useful, Mr. Hitrinov will gladly sign the Affirmation in the presence of the Presiding Officer and Counsel for Complainants. That should not be necessary, given the undersigned’s prior representations, and those below:

1. The undersigned received the original signed copy of the Hitrinov Affirmation by email on June 9, 2016. That original was filed with the Commission, as required by the rules.

2. The email transmitting the document explained how the attachment was signed, stating as follows:

“This document [meaning the attached Affirmation] was signed using SignEasy app. Download the app at <http://www.getsigneasy.com>”

3. Should the Presiding Officer wish, the undersigned (unlike Counsel for Complainants) is happy to provide an electronic copy of the foregoing email to the Presiding Officer for his in camera review.

CONCLUSION

For the foregoing reasons, Respondents aver that the Presiding Officer should deny Complainants’ ill-founded motion.

Respectfully submitted,



Eric Jeffrey

Anjali Vohra

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing Respondents' Response to Complaints Motion in the Guise of a Status Report by email and first class mail to the following:

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P.O. Box 245599
Brooklyn, NY 11224
Marcus.nussbaum@gmail.com

Seth M. Katz, Esq.
P.O. Box 245599
Brooklyn, NY 11224

Dated at Washington, DC, this 19th day of August, 2016.



Anjali Vohra
Counsel for Respondents